IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

LA.App..No. 1072 of 2005()

(LAR 41/93 ON THE FILE OF THE SUBORDINATE JUDGES COURT, KOZHIKODE)

APPELLANT:
---

1. AYANIKKATTU VANAJAKSHY,
D/O.CHOYI.

2. A.GIRIJA, D/O.CHOYI.

3. A.VIJAYAN, S/O.CHOYI.

4. A.SATHIANANDHAN, S/O.CHOYI,
ALL ARE RESIDING AT AYANIKKATTU,
EDAKKOTTUPURATH, P.O.PANTHEERANKAVU,
KOZHIKODE-19.

BY ADV. SRI.T.SETHUMADHAVAN

RESPONDENTS:

THE SPECIAL TAHSILDAR (LA),
N.H.NO.1, KOZHIKODE.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 15/11/2007, ALONG WITH LAA 1200/05 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.1072 & 1200 of 2005
and 428 & 429 of 2006

Dated 15th November, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the claimants in LAR Nos.41/93, 43/93, 39/93 and 40/93 respectively on the file of the Sub Court, Kozhikode, aggrieved by the fixation of land value. The acquisition is for the purpose of Calicut Bye-pass. The acquired property is situated in Pantheerankavu Village. It is seen that for the property adjacent to the acquired property covered by LAR 23/93, the reference court has fixed the land value at Rs.7,500/- per cent. There is no appeal filed by the State. Since the land value at the rate of Rs.7,500/- per cent in Pantheerankavu Village in respect of a nearby property to the acquired property has become final, we partly allow these appeals, holding that the appellants/claimants in these cases shall be entitled to have the land value fixed at Rs.7,500/- per cent. They shall also

be entitled to all the statutory benefits, including interest on solatium.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

tgs

KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. Nos. 1072 & 1200 of 2005
and 428 & 429 of 2006

J U D G M E N T

Dated 15th November, 2007.